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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/821,493

04/09/2004

Donald Edward Williams SR.

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06/30/2006

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EXAMINER

MEISLIN, DEBRA S

ART UNIT

PAPER NUMBER

3723

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/821,493

Applicant(s)

WILLIAMS, DONALD EDWARD

Examiner

D S. Meislin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 35-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 35-39 and 43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Figure 1 of the instant invention in view of Hermanson, and in the alternative, Hermanson in view of Figure 1 of the instant invention.

Figure 1 of the instant invention discloses all of the claimed subject matter except for having a ratcheting member wherein the pawls make up a portion of a race and a hinge. Hermanson discloses a wrench having a handle, a nut engaging member, a ratcheting member wherein the pawls make up a portion of a race, a hinge, and a rotatable workpiece have outer engaging portions for rotation thereof. It would have been obvious to one having ordinary skill in the art to form the device of Figure 1 of the instant invention with a ratcheting mechanism wherein the pawls make up a portion of a race to allow for quick rotation of the workpiece as taught by Hermanson. It would have been obvious to one having ordinary skill in the art to form the device of Figure 1 of the instant invention with a hinge to allow for selected orientation of the tool head as taught by Hermanson.

Hermanson et al discloses all of the claimed subject matter except for having for having a nut disposable on a shock absorber. Hermanson discloses a wrench having a handle, a nut engaging member, a ratcheting member wherein the pawls make up a portion of a race and a rotatable workpiece have outer engaging portions for rotation

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thereof. Figure 1 of the instant invention discloses a nut disposable on a shock absorber. It would have been obvious to one having ordinary skill in the art to use the device of Hermanson on a nut disposable on a shock absorber to enable rotation thereof as taught by Figure 1 of the instant invention.

With respect to claim 37, the examiner takes Official Notice that the use of thrust bearings is notoriously old and well known in the art for engagement with a nut to hold the nut in place. It would have been obvious to one having ordinary skill in the art to provide the device of Hermanson et al or of Figure 1 of the instant invention with at least one thrust bearing as such is notoriously old and well known in the art for engagement with a nut to hold the nut in place.

3. Claims 40-41 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Figure 1 of the instant invention in view of Hermanson, and in the alternative, Hermanson in view of Figure 1 of the instant invention as applied above, in further view of Hsien ('238).

Hsien discloses a ratcheting mechanism with spacing between adjacent teeth of 2 to 4 degrees. It would have been obvious to one having ordinary skill in the art to form the device of Figure 1 of the instant invention or of Hermanson with teeth spacing of 2 to 4 degrees to increase the torque as taught by Hsien.

4. Claims 40-41 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Figure 1 of the instant invention in view of Hermanson, and in the alternative, Hermanson in view of Figure 1 of the instant invention as applied above, in further view of Mitchell.

Mitchell discloses a ratcheting mechanism with spacing between adjacent teeth of 8 degrees and discloses that any number of teeth may be used resulting in various degrees of arc swing for the ratchet, column 5, lines 10-17. It would have been obvious to one having ordinary skill in the art to form the device of Figure 1 of the instant invention or of Hermanson with teeth spacing of up to 6 degrees or of 4 degrees as such would have been an obvious matter of design choice to produce a desired arc swing angle as taught by Mitchell.

5. Claims 40 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Figure 1 of the instant invention in view of Hermanson, and in the alternative, Hermanson in view of Figure 1 of the instant invention as applied above, in further view of Taggart.

Taggart discloses a ratcheting mechanism with spacing between adjacent teeth of 5 degrees. It would have been obvious to one having ordinary skill in the art to form the device of Figure 1 of the instant invention or of Hermanson with teeth spacing of 5 degrees to minimize the swing angle for work in confined spaces as taught by Taggart.

6. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Figure 1 of the instant invention in view of Hermanson, and in the alternative, Hermanson in view of Figure 1 of the instant invention as applied above, in further view of Karlsson.

Karlsson discloses an angular bore in a nut and a securing member in the bore. It would have been obvious to one having ordinary skill in the art to form the nut of Figure 1 of the instant invention or of Hermanson with an angular bore and a securing member in the bore to lock the nut in place as taught by Karlsson.

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7. Applicant's arguments filed have been fully considered but they are not persuasive.

The applied references disclose all of the claimed subject matter as set forth, above. Applicant has not specifically pointed out any "claimed subject matter" that was not disclosed by the prior art references. Mitchell, Taggart and Hsien clearly disclose using small ratcheting angles in a ratcheting mechanism.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. S. Meislin whose telephone number is 571 272-4487. The examiner can normally be reached on M-F, alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


D.S. Meislin
Primary Examiner
Art Unit 3723

June 22, 2006